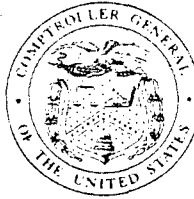


DECISION



Has further
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-201629

DATE: May 6, 1981

MATTER OF: Recording Consultants Inc.

DLG01365
[Protest of Bid Rejection as Nonresponsive]
DIGEST:

1. Objection to salient characteristics specified in invitation for bids is not for consideration, since it was raised after bid opening and is therefore untimely.
2. Where equal item does not conform to brand name equipment specified in invitation for bids, bid must be rejected as nonresponsive.
3. Bidder may not be permitted to make nonresponsive bid responsive after bid opening as to permit this would be tantamount to permitting bidder to submit new bid.

Recording Consultants Inc. (RCI) protests the rejection of its low bid by the Library of Congress (Library) under invitation for bids (IFB) No. 80-31 for the supply and installation of an audio system.

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We have decided that the protest does not have merit.

The IFB solicited bids on a brand name or equal basis. The bid of RCI was rejected as nonresponsive because certain equipment offered as equivalent did not conform to the brand name equipment salient characteristics stated in the IFB. For example, RCI offered a speaker with a horizontal sound dispersion angle of 120 degrees where the salient characteristics specified that the speaker shall not have a horizontal sound dispersion angle greater than 90 degrees.

RCI objects to the sound dispersion angle specified by the Library in the IFB on the basis that it borders on personal preference. RCI states it selected the speaker it offered because the speaker is lighter in weight than the specified unit and would be easier

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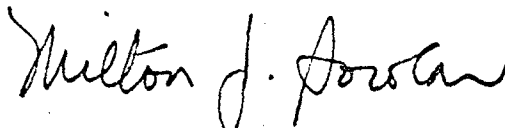
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to lift. RCI indicates that if it had been given the opportunity to cure the nonresponsiveness it could have done so and still remained the low bidder.

The objection to the salient characteristics specified in the IFB is not for consideration by our Office since it was raised after bid opening and is therefore untimely. Ohio Medical Products, B-192317, October 23, 1978, 78-2 CPD 295.

Where the equal item does not conform to the brand name equipment salient characteristics specified in the IFB, the bid must be rejected as nonresponsive. Save-On Wholesale Products, B-194510, July 5, 1979, 79-2 CPD 9. Further, the IFB states that "Modifications proposed after bid opening to make a product conform to a brand name product * * * will not be considered." Also, we have stated that to permit a bidder to make its nonresponsive bid responsive after bid opening would be tantamount to permitting it to submit a new bid and may not be permitted. Jack Young Associates, Inc., B-195531, September 20, 1979, 79-2 CPD 207; Hawthorne Uniform Manufacturing Co., B-200363, February 5, 1981, 81-1 CPD 68.

Accordingly, the protest is dismissed in part and denied in part.



Acting Comptroller General
of the United States